

FENCES

Town officials receive many questions and complaints concerning boundary fences, so here are a few common-sense rules for individuals who are proposing fences on small house lots (i.e. under 20,000 sf).

Fences on individual house lots are generally unregulated by State and Local government, except for "spite fences". A "spite fence" is any fence or fence-like structure which unnecessarily exceeds 6 feet in height and is maliciously kept for the purpose of annoying the owners or occupants of adjoining properties.

You may erect a fence exactly on the property line, however, you may not trespass on your neighbors property to erect or maintain the fence. This is why many individuals chose to erect the fence 1 to 2 feet back from their property line. The "good" side of the fence may face either the property owner or the abutting property.

Openings in fences should exceed one foot in width or be spaced so that a sphere no greater than 4 inches may be passed between them. This prevents children from putting their head through a fence or provide an opening that will not trap their head. The wider spacing is more decorative, such as "split rail" fences. The smaller fences opening are barrier or protector fences.

While most fences are optional, several fences are required by State law and/or local regulations. Swimming pools require fences 4' high with self-closing gates that will not allow for the passage of a 4" sphere. For swimming pools, an impassable barrier such as the ocean or a cliff may be substituted for an actual fence. Handrails on stairs and balconies are a type of fence and are required when the deck or stairs are 3 steps or 30 inches or more above the adjoining grade.